

October 29, 2015

Gentlemen:

I am writing in regards to late season water deliveries on the Big and Little Wood Rivers in the Dietrich, Shoshone, and Gooding areas.

Below is a table that I believe briefly describes all of the water rights that I have discussed with various recipients of this letter.

Water Right Owner	Water Right #	Volume (CFS)	Priority Date	Source	Season of Use	Nature of Use
BWCC	37-21401	5.3	5/1/1885	Little Wood	4/1 to 10/31	Irrigation
	37-21402	3.55	4/6/1883	Little Wood	4/1 to 10/31	Irrigation
	37-21403	5.2	4/1/1887	Little Wood	4/1 to 10/31	Irrigation
	37-21405	2.61	4/1/1884	Little Wood	4/1 to 10/31	Irrigation
	37-21404	15.3	7/1/1896	Little Wood	4/1 to 10/31	Irrigation
	37-13043	303.6	11/13/1907	Little Wood	4/1 to 10/31	Irrigation
	37-13111	75	12/24/1906	Little Wood	11/1 to 3/31	Stk Water
NSCC	37-507	15	6/15/1890	Big Wood & Malad River	3/15 to 11/15	Irrigation
	37-4240	25	10/1/1910	Big Wood	10/1 to 3/31	Stk Water
	37-4241	10	10/1/1910	Malad River	10/1 to 3/31	Stk Water
City of Gooding	37-262A	3.16	2/22/1883	Little Wood	3/15 to 11/15	Recharge
	37-271A	0.32	6/30/1882	Little Wood	3/15 to 11/15	Recharge
	37-282	1.00	4/1/1887	Little Wood	3/15 to 11/15	Recharge
	37-662	1.42	6/15/1885	Little Wood	3/15 to 11/15	Recharge
	37-709	0.74	2/22/1883	Little Wood	3/15 to 11/15	Recharge
	37-960	0.57	4/1/1883	Little Wood	3/15 to 11/15	Recharge
Barbara Farms	37-344A	4.00	4/6/1883	Little Wood	3/15 to 11/15	Irrigation
	37-973	2.00	4/1/1884	Little Wood	3/15 to 11/15	Irrigation
Arkoosh Cattle	37-176	2.00	4/1/1890	Little Wood	3/15 to 11/15	Irrigation

I will try to sort and explain these rights from least complicated to more complicated. The least complicated deliveries are to Barbara Farms and Arkoosh Cattle. These rights have senior priorities and their seasons of use last until November 15th. These rights are currently being delivered and will be so until November 15th.

Slightly more complicated are the City of Gooding (COG) rights. They are largely the most senior of all the rights, but with the recent transfer that changed the nature of use from irrigation to groundwater recharge/irrigation, there was some question about their season of use and/or whether they should be subordinated to irrigation rights. After conversations with Corey Skinner from the Idaho Department of Water Resources (IDWR) who processed the transfer of these rights, I can say that these rights kept their senior priority, their season of use and are not subordinated to irrigation rights. Technically, the COG water rights are still irrigation, because their recharge is used to mitigate the pumping of groundwater for irrigation within the COG. These rights are currently being delivered and will be so until November 15th.

The most complicated rights belong to the two canal companies. I will address the Big Wood Canal Company (BWCC) first. Up until this morning, I mistakenly thought that BWCC had 39.29 cfs of water rights senior to or including June 1st 1890 according to Water District 37 (WD 37) records. As of today, there is 26 cfs being delivered to the BWCC Dietrich diversion at Richfield. In double checking WD 37 records against IDWR records, I found that BWCC only has 16.66 cfs of water rights claimed with IDWR that are senior to the North Side Canal Company right 37-507 (priority date 6/15/1890). The other BWCC water rights were claimed with junior priority dates and WD 37 did not make the priority date change. I take full responsibility for this oversight. The BWCC irrigation rights will be going off as November 1st 2015. BWCC has a stockwater right (37-13111) that starts November 1st, but it may be subordinated to the NSCC 37-507 depending on circumstances I will explain with the NSCC rights.

The NSCC right 37-507 could be senior to all BWCC rights from October 31 to November 15, but there is a caveat that must be explained. 37-507 has two points of diversion and two sources claimed. 37-507 can be delivered at the "Y" canal with Big Wood water. In order to deliver 37-507 at this location, I would have to order BWCC to open Magic Reservoir and release its inflows. Currently there is 94 cfs running into Magic Reservoir. Using records from July 2015, there was at that time a loss of between 95 and 110 cfs in the Big Wood River to the Lincoln Bypass Canal. With this information, I am declaring a futile call in delivering 37-507 to the "Y" canal. The other point of diversion for 37-507 is at the "Z" canal. This point of diversion has a source of the Malad River. Since the Little Wood River is tributary to the Malad River, 37-507 might be deliverable at the Z canal. I say "might" because I will give one week for Little Wood water to reach the "Z" canal. If Little Wood water does not reach the "Z" canal by November 8th, I am declaring its delivery futile. If water makes it to the "Z" canal, 37-507 will be deliverable until November 15th at which time its season of use expires and the BWCC right 37-13111 will be the senior right in the system. As to NSCC rights 37-4240 and 37-4241, I am declaring 37-4240 as non-deliverable because it lists its source as the Big Wood River and as explained earlier the excessive losses in the system prevent its delivery. 37-4241 will only be deliverable after BWCC 37-13111 is delivered and must be delivered at the "Z" canal

As a point of information, this situation and all of these changes have been brought about because of extremely low Silver Creek flows. The 40 year average for this date is 140 cfs at the USGS Sportsman's gauge on Silver Creek. The old record low flow for this date was set in 1995 when the river ran at just 80 cfs. Today the USGS station is recording 46 cfs. I believe the USGS station is currently mis-calibrated, because we have recently measured 64 cfs on the Little Wood River at Richfield. Regardless we are suffering record low flows on Silver Creek.

If you wish to petition IDWR concerning this decision, they will be aware as I will include them in the mailing of this letter.

Respectfully,

Kevin Lakey
Water District 37

Alan Hansten: North Side Canal Company
Lynn Harmon: Big Wood Canal Company
John Faulkner: Faulkner Land and Livestock
Hubert Shaw: Shaw Land and Livestock
Todd Bunn: City of Gooding
Fred Brossy: Barbara Farms
John Arkoosh: Arkoosh Cattle